

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

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PATRICK LEMUEL BASS

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Plaintiff,

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v.

\* CIVIL ACTION NO. 3:05-CV-603-T

JAY JONES, SHERIFF, *et al.*,

\*

Defendants.

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**ORDER ON MOTION**

On November 3, 2005 Plaintiff filed a pleading wherein he complains that Defendants failed to timely file their written report. A review of the court docket reflects that on October 5, 2005 the court granted Defendants an extension of time to and including October 26, 2005 to file their answer and written report. (*See* Doc. N. 15.) The court docket further reflects that Defendants complied with the court's October 5 order by filing their answer and written report on October 26, 2005. (*See* Doc. No. 16, 17.) Thus, to the extent Plaintiff's November 3, 2005 pleading may be construed as a Motion to Strike Defendants' answer and written report as untimely filed, the motion is due to be denied as moot. To the extent Plaintiff's November 3 pleading may be construed as motion for leave to file a motion for default judgment, the motion is, likewise, due to be denied.

Accordingly, it is ORDERED that:

1. Plaintiff's November 3, 2005 pleading, construed as a Motion to Strike Defendants' Answer and Written Report as Untimely Filed (Doc. No. 19), is DENIED as moot; and

2. Plaintiff's November 3, 2005 pleading, construed as a Motion for Leave to File a Motion for Default Judgment (Doc. No. 19), is DENIED.

DONE, this 14<sup>th</sup> day of November, 2005.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE